

DEPARTMENT OF HEALTH

Amendment and Compilation of Chapter 11-218
Hawaii Administrative Rules

November 11, 2001

SUMMARY

1. §§11-218-3 to 11-218-4 are amended.
2. §11-218-5.1 is amended.
3. §11-218-8 is amended.
4. §11-218-9.5 is amended.
5. §§11-218-12 to 11-218-13 are amended
6. §11-218-13.5 is added.
7. §11-218-14 is amended.
8. Chapter 218 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 218

COMMUNICATION ACCESS SERVICES FOR DEAF, HARD OF HEARING,
AND DEAF-BLIND PERSONS

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§11-218-1 Purpose and scope. The purpose of these rules is to establish guidelines for the use of communication access services with deaf, hard of hearing, or deaf-blind persons for effective communication in programs and activities of state departments and agencies. The optimal situation is one in which the state program or activity is able to communicate directly with the deaf, hard of hearing, or deaf-blind person. When direct communication is not possible, this chapter provides guidelines for hiring communication access providers. [Eff 5/17/91; am and comp 6/10/94; comp 4/3/97; am and comp 11/6/2000; comp Dec. 24, 2001] (Auth: HRS §348F-6) (Imp: HRS §348F-3)

§11-218-2 Interpretation. If any provision of these rules is inconsistent with requirements of the Americans with Disabilities Act of 1990, Public Law 101-336, as amended, and Section 504 of the Federal Rehabilitation Act of 1973, Public Law 93-112, as amended, the provision shall be construed to be superseded or governed thereby. These rules shall be construed liberally and consistent with the purpose stated in section 11-218-1. [Eff 5/17/91; am and comp 6/10/94; am and comp 4/3/97; am and comp 11/6/2000; comp Dec. 24, 2001] (Auth: HRS §348F-6) (Imp: HRS §348F-3)

§11-218-3 Definitions. As used in this chapter, unless the context clearly indicates otherwise:

"Board" means the Disability and Communication Access Board.

"Certified real-time captioner" means any person who holds any valid certifications awarded by either the National Court Reporters Association (NCRA) or a state board of certified shorthand reporters as defined in Appendix H "Valid certifications awarded by The National Court Reporters Association" (July 1, 2001).

"Communication access services" mean services rendered by a provider to facilitate communication between deaf, hard of hearing, or deaf-blind persons and hearing consumers. Communication access services include, but are not limited to, interpreter services, real-time captioning services, and computer-assisted notetaking services.

"Computer-assisted notetaker" means a person who provides computer-assisted notetaking services.

"Computer-assisted notetaking services" means services performed by a typist using a word processor on a computer. The services provide a summary of a speaker's words or notes for situations such as a

meeting or a group discussion. The words are typed into a word processor and displayed onto a screen. Computer-assisted notetaking services are distinguished from real-time captioning services in that the words are typed simultaneously but not necessarily verbatim and that stenographic equipment and skills are not involved.

"Credentials" mean any certification or classification that is awarded to providers as defined in this section.

"Deaf or hard of hearing person" means any person who, with or without amplification, cannot hear and understand spoken language.

"Deaf-blind person" means any person who, with or without the assistance of hearing or visual aids, has both auditory and visual disabilities that interfere with communication.

"Hearing consumer" means any hearing individual that requires communication access services to communicate with deaf, hard of hearing, or deaf-blind consumers.

"HQAS" means the Hawaii Quality Assurance System, an interpreter screening instrument administered by the state screening agency. Functional descriptions for HQAS levels are shown in Appendix B, "Functional Description of HQAS Levels" (March 15, 2001).

"Interpreter services" mean services rendered by a locally-classified or nationally-certified interpreter as defined in this section.

"Nationally-certified interpreter" means any person who holds valid certificates or credentials awarded by the Registry of Interpreters for the Deaf, Inc. (RID), as defined in Appendix C "Registry of Interpreters for the Deaf, Inc. Description of RID Certifications" (July 1, 2001) or the National Association of the Deaf, Inc. (NAD) as defined in Appendix D, "National Association of the Deaf, Inc. Interpreter Assessment and Certification" (July 1, 2001).

"Provider" means any provider of communication access services including, but not limited to, a nationally-certified interpreter, a state credentialed

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interpreter, a certified real-time captioner, or a computer-assisted notetaker.

"Real-time captioning services" mean services performed by a certified real-time captioner in order to facilitate communication for deaf, hard of hearing, and deaf-blind persons. The services provide simultaneous transcription of a speaker's words by using a stenographic machine, a computer, and real-time captioning software, and by projecting the words onto a screen.

"State agency" means any department, office, board, or commission of the State, or the University of Hawaii.

"State screening agency" means the disability and communication access board issuing credentials under the Hawaii Quality Assurance System which shall be honored statewide.

"State credentialed interpreter" means any person who holds valid HQAS credentials defined in Appendix B and awarded by the state screening agency.

[Eff 5/17/91; am and comp 6/10/94; am and comp 4/3/97; am and comp 11/6/2000; am and comp Dec. 24, 2001] (Auth: HRS §348F-6) (Imp: HRS §348F-3)

§11-218-4 Credentials of providers. (a) The credentials of providers shall be based on the level and specialization determined by the national organizations or state screening agency which provide the credentials listed in §11-218-3. The Board shall review criteria of the credentials awarded by national organizations and the state screening agency with input from the community. Documentation of completion of sign language courses or interpreter training programs shall not be substituted for credentials listed in section 11-218-3.

(b) Currently there are no known national organizations or state screening agency that award credentials for computer-assisted notetakers. It is recommended that the state agencies utilize persons who meet the following characteristics in order to provide computer-assisted notetaking services: ability to organize and summarize information; ability to type at least 60 words per minute; familiarity with the subject being discussed; experience working with deaf, hard of hearing, or deaf-blind consumers; working knowledge of laptop computers and word-processing software; and good auditory, verbal, and spelling skills. [Eff 5/17/91; comp 6/10/94; comp 4/3/97; am and comp 11/6/2001;

am and comp Dec. 24, 2001] (Auth: HRS §348F-6) (Imp: HRS §348F-3)

§11-218-5 Repealed. [R 11/6/2000]

§11-218-5.1 Fee schedule guidelines. (a) State agencies hiring providers as independent contractors on a fee for service basis may negotiate fees with the provider. Appendix A, "Recommended Fee Schedules for Providers (July 19, 2001)," located at the end of this chapter, is made a part of this chapter. The hourly rates listed in Appendix A are recommended rates for providers used by state agencies for one-time, ad-hoc, or single units of service. In addition, Appendix A includes recommendations for mileage, travel, and other allowable charges.

(b) State agencies hiring providers as independent contractors for on-going or continuing assignments may negotiate fees and terms independent of the hourly rates shown in Appendix A. This paragraph shall not be construed to supercede the provisions of section 11-218-8.

(c) The Board shall review the recommended fee schedules, annually or as needed, with consideration of the current market value of those services as well as input from consumers, providers, and state agencies.

[Eff and comp 11/6/2000;
am and comp Dec. 24, 2001] (Auth: HRS §348F-6) (Imp: HRS §348F-3)

§11-218-6 Cancellation of services. Fees shall be determined in accordance with the time of cancellation of services:

- (1) For assignments less than two hours in duration, and if a cancellation notice is given at least twenty-four hours in advance, no fee shall be assessed. If the cancellation notice is given less than twenty-four hours in advance, the full charge for the requested period shall be assessed.
- (2) For assignments two hours or more but less than four hours in duration, and if a cancellation notice is given at least forty-eight hours in advance, no fee shall be

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assessed. If the cancellation notice is given less than forty-eight hours in advance, the full charge for the requested period shall be assessed.

- (3) For assignments four hours or more in duration, and if a cancellation notice is given at least seventy-two hours in advance, no fee shall be assessed. If the cancellation notice is given less than seventy-two hours in advance, the minimum two hour fee plus one-half of the fee for the remaining scheduled time shall be assessed. If the cancellation notice is given less than forty-eight hours in advance, the full fee shall be assessed.
- (4) If an essential deaf, hard of hearing, deaf-blind, or hearing consumer of interpreting or other communication access services fails to appear, this shall be considered a cancellation and the provider hired for that assignment shall be paid the full fee for the requested period by the state agency.
- (5) If a provider fails to appear, no fee shall be paid by the state agency. [Eff 5/17/91; comp 6/10/94; comp 4/3/97; am and comp 11/6/2000 comp Dec. 24, 2001] (Auth: HRS §348F-6) (Imp: HRS §348F-3)

§11-218-7 Repealed. [R 11/6/2000]

§11-218-7.1 Repealed. [R 11/6/2000]

§11-218-7.2 Repealed. [R 11/6/2000]

§11-218-8 Provision of services. (a) Any person meeting any one of the definitions of nationally-certified or state credentialed interpreter, certified real-time captioner, or computer-assisted notetaker provided in section 11-218-3 may be hired as a provider of interpreter services, real-time captioning services, or computer-assisted notetaking services.

(b) Any state agency shall acquire the services of a provider with the appropriate credentials when one is necessary for a deaf, hard of hearing, or deaf-blind

person to effectively participate in an activity or program of that agency. A state agency shall hire the deaf, hard of hearing, or deaf-blind consumer's preferred provider when possible. If no preference is stated, providers with the highest level of credentials shall be hired first, followed by lesser levels of credentials, in the order listed in Appendix A.

(c) For assignments of more than one and one-half hours in length, and with continuous work (for example, a workshop or meeting), the state agency shall request two providers for the total time of the assignment to actively work for alternate periods of twenty minutes each. If only one provider is available and hired for an assignment with continuous work of more than one and one-half hours in length, the state agency shall ensure that the provider is given breaks as necessary or as negotiated prior to the assignment.

(d) Any person who is deaf, hard of hearing, or deaf-blind shall inform the state agency of the need for communication access services, allowing reasonable time to hire providers. [Eff 5/17/91; am and comp 6/10/94; am and comp 4/3/97; am and comp 11/6/2000; am and comp Dec. 24, 2001] (Auth: HRS §348F-6) (Imp: HRS §348F-3)

§11-218-8.1 Role of a provider who is deaf, hard of hearing, or deaf-blind. If a deaf, hard of hearing, or deaf-blind consumer cannot benefit from conventional communication access services, then a team of two providers shall be hired upon request to ensure effective communication. The second provider, who is deaf, hard of hearing, or deaf-blind, would relay information between the consumer and the hearing provider, using a three-way communication. [Eff and comp 11/6/2000; comp Dec. 24, 2001] (Auth: HRS §348F-6) (Imp: HRS §348F-3)

§11-218-9 Rights of consumers to communication access services. Any person meeting any one of the definitions of deaf, hard of hearing, or deaf-blind person or hearing consumer as provided in section 11-218-3 shall be provided communication access services as requested in any program or activity of a state agency. Deaf, hard of hearing, or deaf-blind persons who request communication access services for any program or

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activity may identify and request their preferred provider. The requirement for credentials may be waived if the deaf, hard of hearing, or deaf-blind person indicates preference for someone who does not have credentials. The state agency shall certify and document that the deaf, hard of hearing, or deaf-blind person specified a provider without credentials. [Eff 5/17/91; am and comp 6/10/94; am and comp 4/3/97; am and comp 11/6/2000; comp Dec. 24, 2001] (Auth: HRS §348F-6) (Imp: HRS §348F-3)

§11-218-9.5 Code of ethics. Appendix E, "The Hawaii Quality Assurance System Code of Ethics" (October 19, 2000), Appendix F, "Code of Ethics of the Registry of Interpreters for the Deaf, Inc. (July 1, 2001)," Appendix G "National Association of the Deaf Interpreter Code of Ethics" (July 1, 2001) and Appendix I, " National Court Reporters Association Code of Professional Ethics & General Guidelines for Professional Practice" (July 1,2001)", located at the end of this chapter, are made a part of this chapter. Services shall be rendered by providers in a manner consistent with Appendices E, F, G or I when applicable. [Eff and comp 11/6/2000; am and comp Dec. 24, 2001] (Auth: HRS §348F-6) (Imp: HRS §348F-3)

§11-218-10 Repealed. [R 6/10/94]

§11-218-11 Repealed. [R 6/10/94]

§11-218-12 Application and renewal of credentials. Every application for credentials shall be made upon forms available from the appropriate national organizations or the state screening agency which provides credentials, as indicated in section 11-218-3. Fees accompanying the application, if any, shall be set by these organizations.

It is the responsibility of the provider to maintain current credentials. [Eff 5/17/91; am and comp 6/10/94; comp 4/3/97; am and comp 11/6/2000; am and comp Dec. 24, 2001] (Auth. HRS §348F-6) (Imp: HRS §348F-3)

§11-218-13 Validity of credentials. The validity of credentials shall be based on criteria for maintenance of credentials established by the appropriate national organizations or the state agency which provides credentials as indicated in section 11-218-3. It is the responsibility of the provider to furnish, upon request, documentation of credentials to the state agency when communication access services are contracted. [Eff 5/17/91; am and comp 6/10/94; comp 4/3/97; am and comp 11/6/2000; am and comp Dec. 24, 2001] (Auth: HRS §348F-6) (Imp: HRS §348F-3)

§11-218-13.5 Testing Fees. The disability and communication access board shall establish a fee to be charged to each candidate applying for HQAS credentials.

(1) Fees collected under this section shall be deposited in the special fund.

(2) Candidate fees shall be \$200 for the combined HQAS test including the written test, and interpreting/transliterating performance test.

[Eff Dec. 24, 2001]

[comp Dec. 24, 2001] (Auth: HRS §§348F-7 to 348F-8)

(Imp: HRS §§348F-7 to 348F-8)

§11-218-14 Reciprocal recognition. State agencies are encouraged to recognize and honor providers with current and valid credentials from jurisdictions other than the State of Hawaii for a period of six months or until a state screening or testing is conducted. These credentials shall be considered current and valid if they were awarded not more than two years prior to the date of hire, unless otherwise indicated by the documentation of such credentials. [Eff 5/17/91; am and comp 6/10/94; am and comp 4/3/97; am and comp 11/6/2000; am and comp Dec. 24, 2001](Auth: HRS §348F-6) (Imp: HRS §348F-3)

§11-218-15 Severability. If any provision of this chapter or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, the remaining portion of these rules or the application thereof to any person or

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circumstance shall not be affected. [Eff 5/17/91; comp 6/10/94;
comp 4/3/97; comp 11/6/2000;
comp Dec. 24, 2001] (Auth: HRS §348F-6) (Imp: HRS §348F-3)

DEPARTMENT OF HEALTH

Ammendments to and compilation of chapter 218, title 11, Hawaii Administrative Rules, on the Summary Page dated November 30, 2001, were adopted on November 30, 2001, following a public hearing on November 21, 2001, after public notice was given in the Honolulu Star Bulletin on October 22, 2001.

The adoption of chapter 11-218 shall take effect ten days after filing with the Office of the Lieutenant Governor.

/s/

Bruce S. Anderson
Director of Health

APPROVED:

/s/

BENJAMIN J. CAYETANO
Governor
State of Hawaii

Date: December 12, 2001

December 13, 2001

Filed

APPROVED AS TO FORM:

/s/

Deputy Attorney General

Developed and approved by the
Disability and Communication Access Board

July 19, 2001

Recommended Fee Schedule for Interpreters

Credential Level	Hourly Rate per Interpreter
RID: CI and CT (holding both), CDI, CSC, or RSC, or NAD Level V, or HQAS Level V	\$40.00
RID either CI or CT, or NAD Level IV, or HQAS Level IV	\$36.00
RID IC and IT (holding both), or NAD Level III, or HQAS Level III	\$26.00
RID either IC or IT, or HQAS Level II	\$21.00
Intepreters holding no credential who have been requested and approved by the Deaf, Hard of Hearing or Deaf-Blind client, including RID CDI-P.	\$15.00

An interpreter possessing a current national Registry of Interpreters for the Deaf Special Certificate (i.e., SC:L, SC:L Provisional, CLIP, CLIP-R, SC:PA) may be paid up to \$10.00 more than the hourly rate for the interpreter's credential level when interpreting in that particular situation. An interpreter who is skilled at close-vision or tactile interpreting may be paid up to \$10.00 more than the hourly rate for the interpreter's credential level when interpreting for a deaf-blind person.

Recommended Fee Schedule for Real-Time Captioners

<u>Credential Level</u>	<u>Hourly Rate per Captioner</u>
RDR or RMR	\$80.00
CRR	\$75.00
CSR or RPR	\$65.00

Hourly rates shown are for real-time captioning services only. Providers will supply use of basic equipment only including stenographic machine and laptop computer with a display screen suitable for a single client. When real-time captioning is provided for larger groups or remote delivery, providers may negotiate additional charges for use of display and telecommunications equipment as required.

These guidelines apply to provision of real time captioning for communication access services only and should not be construed as guidelines for court reporting services.

Fifty cents to \$1.00 may be charged per page if a hard copy of the unedited real-time transcript is required.

Recommended Fee Schedule for Computer-Assisted Notetakers

Hourly Rate per Computer-Assisted Notetaker

- | | |
|---------|---|
| \$18.00 | For situations that involve basic typing and notetaking skills. Examples: Meetings of one and half hours or less in length; one-to-one situations such as interviews; and simple medical examinations. |
| \$20.00 | For situations that involve typing at length or that use specialized vocabulary and knowledge of the subject. Examples: complex medical appointments; lectures, seminars, conferences, workshops or meetings of two hours or more in length; physics classes; unstructured discussions; legislative hearings. |

A fee for an edited hard copy of the notes may be charged: fifty cents per page, or \$5.00 for the dedicated floppy disk (if not provided by the state agency).

Recommendations Regarding Travel Charges Including Mileage and Parking

Providers who are independent contractors may be paid mileage for travel by private car both to and from the assignment at a rate of 40 cents per mile and documented parking charges, if any. Charges for travel time may be negotiated for assignments that require traveling in excess of an hour for a round trip. If communication access services are requested by a deaf, hard of hearing, and deaf-blind person and none is available on the island where services are needed, it is recommended that the state agency cover intrastate travel expenses for the provider from another island.

Recommendations Regarding Other Allowable Charges

If the state agency requires specialized communication access services such as tactile interpreting for deaf-blind individuals, or oral interpreting, then the agency may negotiate for additional fees. If the agency hires a person who does not have credentials and whose communication access services are requested by the deaf, hard of hearing or deaf-blind person, it is recommended that the agency negotiate fees below the listed lowest fee for the provider's category indicated elsewhere in this Appendix. If a state agency requires the real-time captioner or computer-assisted notetaker to provide display equipment (such as a monitor) to show real-time captions or notes, additional fees may be negotiated. If the captioner or notetaker is asked to provide a printed transcription of the event in addition to providing the communication access services, additional fees may also be negotiated.

Functional Description of HQAS Levels

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Level V is a master level interpreter-translator who attains a score of at least 90 on the advanced performance test. This interpreter can function expressively and receptively in a majority of situations. A person holding a Level V credential should be pursuing national certification. While no restrictions are indicated, this interpreter demonstrates professional judgement in accepting assignments.

(Expires 5 years after the date of issue.)

Level IV is an accomplished interpreter-translator who attains a score of at least 80 on the advanced performance test. This interpreter can function expressively and receptively in most complex and technical situations. A Level IV interpreter may accept assignments for one-on-one and group sessions, as well as workshops and platform assignments. This interpreter is qualified for most medical and dental appointments, and limited legal interpreting including client/lawyer meetings, and traffic or small claims court.

A Level IV interpreter should be pursuing continuing professional education or national certification. A Level IV interpreter should avoid critical medical situations, criminal court and civil court jury trials.

(Expires 5 years after the date of issue.)

Level III is an intermediate level interpreter-translator who attains a minimum score of 85 on the entry-level performance test. Level III is the lowest level receiving a credential as a qualified interpreter. This interpreter may accept assignments for many group sessions and workshops and most one-on-one situations. A Level III interpreter should be actively involved in professional development efforts.

An interpreter holding a Level III credential should not accept assignments for legal, mental health, or critical medical situations.

(Expires 2 years after the date of issue.)

Level II is an entry level communication assistant who attains a score of at least 70 on the entry-level performance test. The Level II communication assistant will be able to interpret during orientation sessions and basic tutoring sessions. A Level II communication assistant may accept assignments where communication can be interpreted consecutively in one-on-one situations, limited group sessions and workshops; and may accept limited platform assignments when accompanied and supervised by a qualified mentor.

A person holding a Level II credential should not accept assignments for legal, mental health, medical, employment interviews or critical situations of any nature.

(Expires 2 years after the date of issue.)

Level I is a beginner level candidate who attains a score of at least 50 on the entry-level performance test. A Level I candidate is not considered qualified for professional assignments. This candidate may provide limited interpreting in low risk situations as an unpaid apprentice when accompanied by a qualified mentor. Further professional development is required prior to reevaluation.

(No credential is issued.)

Registry of Interpreters for the Deaf, Inc.***Description of RID Certifications***

The certificates described below are an indication that the interpreter or transliterator was assessed by a group of professional peers according to a nationally recognized standard of minimum competence. The individual's performance was deemed to meet or exceed this national standard.

RID Certificates are recognized as valid certificates provided the interpreter/transliterator meets all requirements of membership including participation in the Certification Maintenance Program. All interpreters and transliterators are required to adhere to the RID Code of Ethics governing ethical behavior within the profession. Violations of the Code of Ethics could result in a complaint filed against the interpreter/transliterator through the RID Ethical Practices System.

The RID National Testing System (NTS) strives to maintain adherence to nationally recognized testing industry standards of validity, reliability and equity. As a result, an independent psychometrician (test development expert) is retained by RID and oversees test development and revision processes. RID maintains affiliation with the National Organization for Competency Assurance (NOCA), the entity that sets national criteria for validity, reliability and fairness in testing and credentialing.

CI (Certificate of Interpretation)

Holders of this certificate are recognized as fully certified in Interpretation and have demonstrated the ability to interpret between American Sign Language (ASL) and spoken English in both sign-to-voice and voice-to-sign. The interpreter's ability to transliterate is not considered in this certification. Holders of the CI are recommended for a broad range of interpretation assignments. This test is currently available.

CT (Certificate of Transliteration)

Holders of this certificate are recognized as fully certified in Transliteration and have demonstrated the ability to transliterate between English-based sign language and spoken English in both sign-to-voice and voice-to-sign. The transliterator's ability to interpret is not considered in this certification. Holders of the CT are recommended for a broad range of transliteration assignments. This test is currently available.

CI and CT (Certificate of Interpretation and Certificate of Transliteration)

Holders of both full certificates (as listed above) have demonstrated competence in both interpretation and transliteration and have the same flexibility of job acceptance as holders of the CSC listed below. Holders of the CI and CT are recommended for a broad range of interpretation and transliteration assignments.

CLIP (Conditional Legal Interpreting Permit)

Holders of this conditional permit have completed an RID recognized training program designed for interpreters and transliterators who work in legal settings. Generalist certification (CI and CT, or CSC) is required prior to enrollment in the training program. This permit is valid until

one year after the Specialist Certificate: Legal written and performance test is available nationally. CLIP holders must take and pass the new legal certification examination in order to maintain certification in the specialty area of interpreting in legal settings. Holders of this conditional permit are recommended for a broad range of assignments in the legal setting. The CLIP is no longer available.

CLIP-R (Conditional Legal Interpreting Permit-Relay)

Holders of this conditional permit have completed an RID recognized training program designed for interpreters and transliterators who work in legal settings and who are also Deaf or hard-of-hearing. Generalist certification for interpreters/translitterators who are Deaf or hard-of-hearing (RSC or CDI-P) is required prior to enrollment in the training program. This permit is valid until one year after the Specialist Certificate: Legal written and performance test for Deaf interpreters is available nationally. CLIP-R holders must take and pass the new legal certification examination in order to maintain certification in the specialized area of interpreting in legal settings. Holders of this conditional permit are recommended for a broad range of assignments in the legal setting. The CLIP-R is still offered.

CDI-P (Certified Deaf Interpreter-Provisional)

Holders of this provisional certification are interpreters who are Deaf or hard-of-hearing and who have demonstrated a minimum of one year experience working as an interpreter, completion of at least 8 hours of training on the RID Code of Ethics, and 8 hours of training in general interpretation as it relates to the interpreter who is Deaf or hard-of-hearing. Holders of this certificate are recommended for a broad range of assignments where an interpreter who is Deaf or hard-of-hearing would be beneficial.

CDI (Certified Deaf Interpreter)

Holders of this certification are interpreters who are Deaf or hard-of-hearing and who have demonstrated a minimum of one year experience working as an interpreter, completion of at least 8 hours of training on the RID Code of Ethics, and 8 hours of training in general interpretation as it relates to the interpreter who is Deaf or hard-of-hearing and have passed a comprehensive combination written and performance test. Holders of this certificate are recommended for a broad range of assignments where an interpreter who is Deaf or hard-of-hearing would be beneficial. This test is being revised and only the written test is currently available. The performance test will soon be offered as well.

CSC (Comprehensive Skills Certificate)

Holders of this full certificate have demonstrated the ability to interpret between American Sign Language and spoken English and to transliterate between spoken English and an English-based sign language. The CSC examination was offered until 1987. Holders of this certificate are recommended for a broad range of interpreting and transliterating assignments. This test is no longer offered.

MCSC (Master Comprehensive Skills Certificate)

The MCSC examination was designed with the intent of testing for a higher standard of performance than the CSC. Holders of this certificate were required to hold the CSC prior to taking this exam. Holders of this certificate are recommended for a broad range of interpreting and transliterating assignments. This certificate is no longer offered.

RSC (Reverse Skills Certificate)

Holders of this full certificate demonstrated the ability to interpret between American Sign Language and English-based sign language or transliterate between spoken English and a signed code for English. Holders of this certificate are Deaf or hard-of-hearing and interpretation/transliteration is rendered in American Sign Language, spoken English, a signed code for English or written English. Holders of the RSC are recommended for a broad range of interpreting assignments where the use of an interpreter who is Deaf or hard-of-hearing would be beneficial. This certificate is no longer offered. People interested in this area will apply for the CDI-P and/or take the CDI exam.

SC:L (Specialist Certificate: Legal)

Holders of this specialist certificate have demonstrated specialized knowledge of legal settings and greater familiarity with language used in the legal system. Generalist certification and documented training and experience is required prior to sitting for this exam. Holders of the SC:L are recommended for a broad range of assignments in the legal setting. This test is currently available.

Prov. SC:L (Provisional Specialist Certificate: Legal)

Holders of this provisional certificate hold generalist certification and have completed RID approved training required prior to sitting for the SC:L exam. This provisional certification is valid until one year after the Specialist Certificate: Legal written and performance test is available nationally. Holders of this certificate are recommended for assignments in the legal setting. Prov. SC:L is no longer available.

SC:PA (Specialist Certificate: Performing Arts)

Holders of this certificate were required to hold RID generalist certification (CSC) prior to sitting for this examination and have demonstrated specialized knowledge in performing arts interpretation. Holders of this certificate are recommended for a broad range of assignments in the performing arts setting. The SC:PA is no longer offered.

OTC (Oral Transliteration Certificate)

Holders of this generalist certificate have demonstrated ability to transliterate a spoken message from a person who hears to a person who is Deaf or hard-of-hearing and the ability to understand and repeat the message and intent of the speech and mouth movements of the person who is Deaf or hard-of-hearing. This test is currently available.

OIC:C (Oral Interpreting Certificate: Comprehensive)

Holders of this generalist certificate demonstrated the ability to transliterate a spoken message from a person who hears to a person who is Deaf or hard-of-hearing and the ability to understand and repeat the message and intent of the speech and mouth movements of the person who is Deaf or hard-of-hearing. This certification is no longer offered. Individuals wishing oral certification should take the OTC exam noted above.

OIC:S/V (Oral Interpreting Certificate: Spoken to Visible)

Holders of this partial certificate demonstrated the ability to transliterate a spoken message from a person who hears to a person who is Deaf or hard-of-hearing. This individual received scores on the OIC:C examination which prevented the awarding of full OIC:C certification. The OIC:S/V is no longer offered. Individuals wishing oral certification should take the OTC exam noted above.

OIC:V/S (Oral Interpreting Certificate: Visible to Spoken)

Holders of this partial certificate demonstrated ability to understand the speech and silent mouth movements of a person who is deaf or hard-of-hearing and to repeat the message for a hearing person. This individual received scores on the OIC:C examination which prevented the awarding of full OIC:C certification. The OIC:V/S is no longer offered. Individuals wishing oral certification should take the OTC exam noted above.

IC/TC (Interpretation Certificate/Transliteration Certificate)

Holders of this partial certificate demonstrated ability to transliterate between English and a signed code for English and the ability to interpret between American Sign Language and spoken English. This individual received scores on the CSC examination which prevented the awarding of full CSC certification. The IC/TC is no longer offered.

IC (Interpretation Certificate)

Holder of this partial certificate demonstrated ability to interpret between American Sign Language and spoken English. This individual received scores on the CSC examination which prevented the awarding of full CSC certification or partial IC/TC certification. The IC was formerly known as the Expressive Interpreting Certificate (EIC). The IC is no longer offered.

TC (Transliteration Certificate)

Holders of this partial certificate demonstrated the ability to transliterate between spoken English and a signed code for English. This individual received scores on the CSC examination which prevented the awarding of full CSC certification or IC/TC certification. The TC was formerly known as the Expressive Transliterating Certificate (ETC). The TC is no longer offered.

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*National Association of the Deaf, Inc.**Interpreter Assessment and Certification*

Assessment Levels

There are five assessment levels, Level I (Novice I), Level II (Novice II), Level III (Generalist), Level IV (Advanced), and Level V (Master), which are explained below. Important Note: Candidates who attain Levels III, IV, and V receive certification.

Candidates who attain Levels I and II are not certified as interpreters.

Non-Certified Assessment Levels:

Level I (Novice I): The individual who attains this level possesses good voice-to-sign skills but may not know the appropriate sign for everything needed. Also, the individual possesses minimal sign-to-voice skills and may fingerspell more than necessary, demonstrate considerable lag time, and delete considerably in order to keep up.

Level II (Novice II): The individual who attains this level possesses good voice-to-sign skills and fingerspells less than those who possess Novice I skills. The individual possesses fair sign-to-voice skills, may lag behind farther than is comfortable, and delete more than is acceptable.

Certified Assessment Levels:

Level III (Generalist): The individual who attains this level possesses above average voice-to-sign skills, and good sign-to-voice skills, and demonstrates the interpreting skill necessary for some situations.

Level IV (Advanced): The individual who attains this level possesses excellent voice-to-sign skills and above average sign-to-voice skills, and demonstrates the interpreting skill necessary for most situations.

Level V (Master): The individual who attains this level possesses superior voice-to-sign skills and excellent sign-to-voice skills, and demonstrates the interpreting skill necessary for just about all situations.

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The Hawaii Quality Assurance System, Interpreter Code of Ethics

1. The interpreter/transliterators safeguards the confidentiality of all assignment-related information.
2. The interpreter/transliterators shall be dedicated to providing competent interpreting services in a manner befitting a professional.
3. The interpreter/transliterators conveys the content and affect of the communication transmitted using the language most easily understood by the persons involved in the communication/transaction.
4. The interpreter/transliterators uses discretion in accepting assignments based upon language competency and the capacity to maintain impartiality with regard to the setting and/or consumers involved.
5. The interpreter/transliterators should not counsel nor interject personal opinion, but may exercise professional judgement in assessing whether or not communication is being understood and may also inform the consumers involved of available resources when and where it is appropriate.
6. The interpreter/transliterators should pursue further knowledge and maintain competency in interpreting/transliterating skills.
7. The interpreter/transliterators should pursue compensation for services in a professional and reasonable manner.
8. The interpreter/transliterators will strive to maintain the highest professional standards in compliance with the Code of Ethics.

Adopted by the Disability and Communication Access Board, 19-October-2000

Code of Ethics of the Registry of Interpreters for the Deaf, Inc.

The Registry of Interpreters for the Deaf, Inc. has set forth the following principles of ethical behavior to protect and guide interpreters and transliterators and hearing and deaf consumers. Underlying these principles is the desire to insure for all the right to communicate.

This Code of Ethics applies to all members of the Registry of Interpreters for the Deaf, Inc. and to all certified non-members.

1. Interpreters/translitterators shall keep all assignment-related information strictly confidential.
2. Interpreters/translitterators shall render the message faithfully, always conveying the content and spirit of the speaker using language most readily understood by the person(s) whom they serve.
3. Interpreters/translitterators shall not counsel, advise or interject personal opinions.
4. Interpreters/translitterators shall accept assignments using discretion with regard to skill, setting, and the consumers involved.
5. Interpreters/translitterators shall request compensation for services in a professional and judicious manner.
6. Interpreters/translitterators shall function in a manner appropriate to the situation.
7. Interpreters/translitterators shall strive to further knowledge and skills through participation in workshops, professional meetings, interaction with professional colleagues, and reading of current literature in the field.
8. Interpreters/translitterators, by virtue of membership or certification by the RID, Inc., shall strive to maintain high professional standards in compliance with the Code of Ethics.

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National Association of the Deaf – Interpreter Code of Ethics

1. All information in any interpreting assignment is to be kept in strictest confidence.
2. Interpreting services shall always be competent, impartial and professional.
3. Messages shall be rendered faithfully, always conveying the content and spirit of the communicator, and professional judgement should be exercised in assessing whether communication is being understood.
4. In accepting assignments, discretion based on skill, setting, and the consumers involved must be used.
5. Counseling or interjecting personal opinion is never permitted.
6. Information on the role and appropriate use of interpreting services shall be provided to the consumers when necessary.
7. Information on available resources as appropriate should be provided.
8. Compensation for services should be pursued in a professional manner.
9. Respect of and for the deaf person's rights must always be evident.
10. Only the highest professional standards, as promulgated by the NAD, shall be pursued.

NAD Interpreter Assessment and Certification (NIC)
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Valid Certifications Awarded by The National Court Reporters Association (NCRA)

1. Registered Diplomat Reporter (RDR). This certification is awarded to an individual who has held Registered Merit Reporter (RMR) certificate for a minimum of five years, or has both RMR and a bachelor's degree, or has passed the RMR test in addition to any two other NCRA tests;
2. Registered Merit Reporter. (Formerly known as the Certificate of Merit.) This certification is awarded to an individual who has been tested as having the ability to stroke at speeds of 260 words per minute, with a ninety-five percent accuracy rate after transcription;
3. Certified Realtime Reporter (CRR). This certification is awarded to an individual who has been tested as having the ability to stroke at speeds up to 200 words per minute during real-time translations with no editing at a ninety-six percent accuracy rate; and
4. Registered Professional Reporter (RPR). This certification is awarded to an individual who has been tested as having the ability to stroke at speeds of 225 words per minute, with a ninety-five percent accuracy rate after transcription.
5. A Certified Shorthand Reporter (CSR) is awarded by a state board of certified shorthand reporters. This certification is awarded to an individual who has been tested as having the ability to stroke at speeds of 225 words per minute, with a ninety-five percent accuracy rate after transcription.

Note: The "stroke" action involves depressing multiple keys at a time on the stenographic machine, whereas the "type" action involves hitting one key at a time.

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National Court Reporters Association
Code of Professional Ethics & General Guidelines for Professional Practice
Preamble

The Committee on Professional Responsibility (COPR) was established in 1985 as the successor to the Committee on Ethics. In 1979, COPR presented its recommendations to the convention in the form of the Code of Professional Responsibility, Enforcement and Disciplinary Procedures, and Professional Practice Objectives, which were adopted by the convention. The President charged COPR in 1985 to review the Code and to evaluate its various sections. Following that charge, COPR revised the Code for brevity and clarity, and the Code was changed to Code of Professional Conduct. In addition, COPR established Mediation Procedures for the Membership in an effort to resolve amicably matters in dispute arising out of the Code of Professional Conduct, and changed the title of the Enforcement and Disciplinary Procedures to Complaint Procedures. In 1992, the President charged COPR again with the review and updating of the Code and the Standards of Professional Practice. As a result, COPR recommended (1) certain revisions to, and the retitling of, the Code as the Code of Professional Ethics; (2) certain revisions to the Complaint Procedures; (3) the corresponding change of COPR's name to the Committee on Professional Ethics (COPE); (4) the change of the title of the Standards of Professional Practice to the Guidelines for Professional Practice; and (5) the separate publication of the mediation procedures and transcript format guidelines from the Code, the Guidelines and the Complaint and Advisory Opinion Procedures. Although the mediation procedures and transcript format guidelines are still in effect, COPR believed that separate publication serves to streamline and direct proper focus to the Code, the Guidelines, and the Complaint and Advisory Opinion Procedures. From 1994 to 2001, the Committee on Professional Ethics (COPE) recommended additional changes to the Code, including expanding the Guidelines for Professional Practice, Sections I, II and III. In 1999, the Board charged the CART (Communication Access Realtime Translation) Task Force with the duty of creating ethical guidelines for that sector of the profession and COPE to review those guidelines before acceptance by the Board. As a result of that review, Section I now covers the General Guidelines for the reporter making the official record; Section II covers the Guidelines for the Realtime Reporter in Legal Proceedings; Section III covers the Guidelines for the CART Provider in a Legal Setting; and Section IV covers the Guidelines for the CART Provider in a Nonlegal Setting. In addition, during this time period, changes were made to the Complaint Procedures, Advisory Opinion Procedures, and Transcript Format Guidelines.

The mandatory Code of Professional Ethics defines the ethical relationship the public, the bench, and the bar have a right to expect from a Member. The Code sets out the conduct of the Member when dealing with the user of reporting services and acquaints the user, as well as the Member, with guidelines established for professional behavior. The Guidelines for Professional Practice, on the other hand, are goals toward which every Member should strive. Members are urged to comply with the Guidelines and must adhere to local, state and federal rules and statutes. It should be noted that these guidelines do not exhaust the moral and ethical considerations with which the Member should conform, but provide the framework for the practice of reporting. Not every situation a Member may encounter can be foreseen, but fundamental ethical principles are always present. By complying with the Code of Professional Ethics and Guidelines for Professional Practice, Members maintain their profession at the highest level.

National Court Reporters Association
Code of Professional Ethics

A Member Shall:

1. Be fair and impartial toward each participant in all aspects of reported proceedings, and always offer to provide comparable services to all parties in a proceeding.
2. Be alert to situations that are conflicts of interest or that may give the appearance of a conflict of interest. If a conflict or a potential conflict arises, the Member shall disclose that conflict or potential conflict.
3. Guard against not only the fact but the appearance of impropriety.
4. Preserve the confidentiality and ensure the security of information, oral or written, entrusted to the Member by any of the parties in a proceeding.
5. Be truthful and accurate when making public statements or when advertising the Member's qualifications or the services provided.
6. Refrain, as an official reporter, from freelance reporting activities that interfere with official duties and obligations.
7. Determine fees independently, except when established by statute or court order, entering into no unlawful agreements with other reporters on the fees to any user.
8. Refrain from giving, directly or indirectly, any gift, incentive, reward or anything of value to attorneys, clients, witnesses, insurance companies or any other persons or entities associated with the litigation, or to the representatives or agents of any of the foregoing, except for (1) items that do not exceed \$100 in the aggregate per recipient each year, or, (2) pro bono services as defined by the NCRA Guidelines for Professional Practice or by applicable state and local laws, rules and regulations.
9. Maintain the integrity of the reporting profession.
10. Abide by the NCRA Constitution and Bylaws.

National Court Reporters Association
General Guidelines for Professional Practice

Section III - Communication Access Realtime Translation (CART) Provider in a Legal Setting

A Communication Access Realtime Translation (CART) provider in a legal setting performs realtime translation as an aid to communication for people who are deaf or hearing-impaired. Common sense and professional courtesy should guide the Member in applying the following Guidelines. When CART is provided in a trial or deposition setting, special legal requirements may apply. When providing CART in the nonlegal setting, follow the guidelines set out in Section IV.

In providing CART service, a Member should:

- A. Accept assignments using discretion with regard to skill, setting, and the consumers involved, and accurately represent the provider's qualifications for CART.
- B. Establish a clear understanding of:
 - 1. who is hiring the CART Provider;
 - 2. the role played by the CART Provider in assisting with communication as opposed to the role of the Official Reporter of Proceedings in providing a verbatim record;
 - 3. the fact that no roughly edited electronic file is to be produced; and
 - 4. the need to preserve the unedited text file with disclaimer in accordance with statute or court order, or for a period of no less than five years.
- C. Refrain from working in the dual capacity of Official Reporter of Proceedings and CART Provider at the same time. When no other option exists, the role to be performed is that of the Official Reporter of Proceedings, and all present are entitled to read the display screen of the Official Reporter, which does not include the content and spirit of the speaker, as well as environmental sounds, that would normally be provided by the CART provider. Disclosure must be made to the court and all parties, including the person requiring interpretive services, of this limitation.
- D. Acquire, when possible, information or materials in advance to prepare a job dictionary.
- E. Know the software and hardware system used and be able to do simple troubleshooting.
- F. Strive to achieve, as nearly verbatim as possible, 100% accuracy at all times.
- G. Include in the realtime display the identification, content, and spirit of the speaker, as well as environmental sounds (except under circumstances described in C above).
- H. Refrain from counseling, advising, or interjecting personal opinions except as required to accomplish the task at hand.
- I. In a confidential setting (i.e., legal discussions, jury deliberations, attorney/client discussions), delete all files immediately after the assignment unless otherwise requested to do so, or ordered by the Court.
- J. Cooperate with all parties to ensure that effective communication is taking place.
- K. Preserve the privacy of a consumer's personal information.

- L. Familiarize oneself with the provisions of NCRA's "The CART Provider's Manual," these Guidelines, the General Guidelines for Professional Practice, and any updates thereto.
- M. Keep abreast of current trends, laws, literature, and technological advances relating to CART.

Section IV - Communication Access Realtime Translation (CART) Provider in a Nonlegal Setting

A Communication Access Realtime Translation (CART) provider in a nonlegal setting performs realtime translation as an aid to communication for people who are deaf or hearing-impaired. Common sense and professional courtesy should guide the Member in applying the following Guidelines. When providing CART in the legal setting, follow the guidelines set out in Section III.

In providing CART service, a Member should:

- A. Accept assignments using discretion with regard to skill, setting, and the consumers involved, and accurately represent the provider's qualifications for CART.
- B. Establish a clear understanding of:
 - 1. who is hiring the CART Provider;
 - 2. whether an electronic file of the roughly edited text with disclaimer is to be preserved;
 - 3. if yes, whether all participants have been informed that an electronic file of the roughly edited text with disclaimer will be preserved; and
 - 4. who is entitled to receive a copy of the electronic file.
- C. Acquire, when possible, information or materials in advance to prepare a job dictionary.
- D. Know the software and hardware system used and be able to do simple troubleshooting.
- E. Strive to achieve, as nearly verbatim as possible, 100% accuracy at all times.
- F. Include in the realtime display the identification, content, and spirit of the speaker, as well as environmental sounds.
- G. Refrain from counseling, advising, or interjecting personal opinions except as required to accomplish the task at hand.
- H. Cooperate with all parties to ensure that effective communication is taking place.
- I. In confidential nonlegal settings (i.e., medical discussions, support groups), delete all files immediately after the assignment unless otherwise requested not to do so.
- J. Preserve the privacy of a consumer's personal information.
- K. Familiarize oneself with the provisions of NCRA's "The CART Provider's Manual," these Guidelines, and any updates thereto.
- L. Keep abreast of current trends, laws, literature, and technological advances relating to CART.